IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2075 of 2005

Between:

1 Ch. Ramanaiah, S/o Changaiah,
2 V. Venkatamuni. S/o Chinamunaiah,
3 Kattiboina Ramaiah, s/o Veeraswamy
4 Chiteti Ramanaiah, s/o Venkateswarlu,
5 K. Chandraiah, s/o Ramaniah,
All are r/o Chillamuttur Village, Naidupeta Mandal, Nellore District.

... PETITIONERS

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Gudur , Nellore District.
3 The Mandal Revenue Officer, Naidupeta Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of mandamus or any other appropriate Writ or direction declaring the action of the respondents in not removing the encroachments on the Donka poramboku covered by S.No. 17 of Chilamatturu village as illegal and arbitrary and consequently direct the respondents to remove the encroachments on the S.No. 17 and restore the Donka to its original position as shown in revenue records and take necessary action to prevent the encroachment of Donka Poramboku comprised in S.No. 17 of Chilamatturu village.

Counsel for the Petitioners: MR.P.GANGA RAMI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

The petitioners, who claim to be the residents of Chilamuttur Village, Naidupeta Mandald, Nellore District, state that there is a donka poramboke land of Chilamatturu Village, which is used by the villagers as road to carry the sugarcane and other agricultural produce from the agricultural lands. It is alleged that the owners of the lands situated adjacent to the donka poramboke have highhandedly encroached into the donka poramboke and they have been making attempt to raise crops in the said land.

Aggrieved by the said action, the petitioners made a representation dated 23-10-2004 before the respondents complaining about the alleged encroachment into the donka poramboke, and requesting to take necessary action. The petitioners allege that the respondents have failed to consider their request and no action has been taken so far. Hence, this writ petition.

If the Sy.No.17 is classified as donaka poramboke, the respondents are bound to take necessary action to remove the alleged encroachment. In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the representation of the petitioners dated 23-10-2004 and take necessary action, in accordance with law, after affording due opportunity to the alleged encroachers to explain the allegations made by the petitioners. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 09-02-2005

Note: Furnish copy in a week.

B/o.

LSK.

ASSISTANT REGISTRAR

//**TRUE COPY**//

SECTION OFFICER.

To

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Gudur , Nellore District.
3 The Mandal Revenue Officer, Naidupeta Mandal, Nellore District.

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad.
(O.U.T.)

5 Two C.D. copies.